



## OFFICE OF INSPECTOR GENERAL

U.S. DEPARTMENT OF HOMELAND SECURITY

### VIA EMAIL

November 7, 2019

Emma Best  
MuckRock  
411A Highland Ave  
Dept. MR 49294  
Sommerville, MA 74283

Re: OIG-2019-00197

Dear Emma Best:

This is in response to your Freedom of Information Act (FOIA) request dated June 5, 2019 which was received by the Office of Inspector General (OIG) on the same date. You request the following information under the FOIA, 5 U.S.C. § 552: Copies of records mentioning or describing audits, reviews, investigations or reports regarding the agency's cyber security, including audits or investigations regarding the state of the agency's cyber security regarding potential attacks as well as audits and investigations conducted in the wake of a suspected or actual cyber-attack, hacking incident or breach. You ask us to include materials generated between 1 January 1996 and 30 June 2016.

Your June 5, 2019, request asked for a fee waiver which was granted. Therefore, in this case, no fee has been assessed.

We obtained the documents you seek and conducted a review of the material you requested. After reviewing this information, we have determined that we may release 1180 pages of responsive documents, with FOIA redactions, pursuant to exemptions 5 U.S.C. § 552(b)(7)(E).

FOIA requires that agencies generally disclose records. Agencies may only withhold requested records only if one or more of nine exemptions apply.

Exemption 7 allows agencies to refuse to disclose records compiled for law enforcement purposes under any one of six circumstances (identified as Exemptions 7(A) through 7(F)). Law enforcement within the meaning of Exemption 7 includes enforcement pursuant to both civil and criminal statutes.

Exemption 7(E) protects information that, if disclosed, could result in circumvention of law. In particular, Exemption 7(E) allows OIG to withhold all law enforcement information "which would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if



such disclosure could reasonably be expected to risk circumvention of the law.” 5 U.S.C. § 552(b)(7)(E). Particularly though, for the materials that have been withheld under FOIA Exemption 7(E) here, we have determined that they are techniques and procedures for law enforcement investigations or prosecutions whose release could reasonably be expected to risk circumvention of the law.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure.

If you disagree with this response, you may appeal this response to the OIG’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the OIG FOIA Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: “FREEDOM OF INFORMATION APPEAL.” You must include an explanation of why you believe the OIG’s response is in error. You must also include with your appeal copies of all correspondence between you and the OIG concerning your FOIA request, including your original FOIA request and the OIG’s response. Failure to include with your appeal all correspondence between you and the OIG will result in the OIG’s rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer’s sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal. The OIG FOIA/Privacy Act Appeals Office Contact Information is the following:

Office of the Inspector General  
U.S. Department of the Interior  
1849 C Street, NW  
MS-4428  
Washington, DC 20240  
Attn: FOIA/Privacy Act Appeals Office  
Telephone: (202) 208-6742  
Fax: (202) 219-1944  
Email: foia@doioig.gov

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.



The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road - OGIS  
College Park, MD 20740-6001

E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
Facsimile: 202-741-5769  
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the OIG FOIA & Privacy Act Appeals Officer.

However, should you need to contact me, my telephone number is (202) 878-9583, and the email is [foia@doioig.gov](mailto:foia@doioig.gov).

Sincerely,

*Creighton Barry*  
Creighton Barry  
Legal Trainee

